

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

No. 18-cr-20415 MSN

DEMETRIUS LAY,

Defendant.

REPORT AND RECOMMENDATION ON DEFENDANT’S MOTION TO SUPPRESS

Before the Court is Defendant’s Motion to Suppress, pursuant to Fed.R.Civ.P 12(b)(3), all evidence obtained in a search that occurred on July 24, 2018. (D.E. #49). Defendant’s Motion was filed on September 3, 2019 and was referred by District Judge Mark S. Norris for report and recommendation on September 5, 2019 (D.E. #50). A response to the Motion was filed by the United States on September 11, 2019. (D.E. # 51) A hearing on the Motion was held on January 22, 2020 at which time the Court heard the testimony of a witness and statements of counsel.

Based upon the motion, response, testimony, statements of counsel and for the reasons stated in open court on January 22, 2020, it is recommended that defendant’s Motion to Suppress evidence be DENIED. A transcript of the Court’s oral ruling (D.E. # 74) will serve as written proposed findings of fact and recommended conclusions of law and is incorporated herein by reference.

Signed this 29th day of January, 2020.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.